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violation. Any person so charged with such violation by the authorized officer may be tried and sentenced by a United States Commissioner or magistrate, designated for that purpose by the

court by which he/she was appointed, in the same manner and subject to the same conditions as provided in 18 U.S.C. 3401.

SUBCHAPTER E—FOREST MANAGEMENT (5000)

Group 5000—Forest Management General

PART 5000—ADMINISTRATION OF FOREST MANAGEMENT DECISIONS

Subpart 5003—Administrative Remedies

§ 5003.1 Effect of decisions; general.

The filing of a notice of appeal under part 4 of this title shall not automatically suspend the effect of a decision governing or relating to forest management as described under subparts 5003.2 and 5003.3.

(43 U.S.C. 1181(a); 30 U.S.C. 601 *et seq.*; 43 U.S.C. 1701)

[49 FR 28561, July 13, 1984]

§ 5003.2 Notice of forest management decisions.

(a) The authorized officer shall, when the public interest requires, specify when a decision governing or relating to forest management shall be implemented through the publication of a notice of decision in a newspaper of general circulation in the area where the lands affected by the decision are located, establishing the effective date of the decision. The notice in the newspaper shall reference 43 CFR subpart 5003—Administrative remedies.

(b) When a decision is made to conduct an advertised timber sale, the notice of such sale shall constitute the decision document.

(c) For all decisions relating to forest management except advertised timber sales, the notice and decision document shall contain a concise statement of the circumstances requiring the action.

(43 U.S.C. 1181(a); 30 U.S.C. 601 *et seq.*; 43 U.S.C. 1701)

[49 FR 28561, July 13, 1984]

§ 5003.3 Protests.

(a) Protests of a forest management decision, including advertised timber sales, may be made within 15 days of the publication of a notice of decision

or notice of sale in a newspaper of general circulation.

(b) Protests shall be filed with the authorized officer and shall contain a written statement of reasons for protesting the decision.

(c) Protests received more than 15 days after the publication of the notice of decision or the notice of sale are not timely filed and shall not be considered.

(d) Upon timely filing of a protest, the authorized officer shall reconsider the decision to be implemented in light of the statement of reasons for the protest and other pertinent information available to him/her.

(e) The authorized officer shall, at the conclusion of his/her review, serve his/her decision in writing on the protesting party.

(f) Upon denial of a protest filed under paragraph (a) of this section the authorized officer may proceed with implementation of the decision.

(43 U.S.C. 1181(a); 30 U.S.C. 601 *et seq.*; 43 U.S.C. 1701)

[49 FR 28561, July 13, 1984]

PART 5040—SUSTAINED YIELD UNIT AND COOPERATIVE AGREEMENTS

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AUTHORITY: Sec. 5, 50 Stat. 875; 43 U.S.C. 1181e.

Subpart 5040—Sustained Yield Unit and Cooperative Agreements; General

§ 5040.0-3 Authority.

(a) The Act of August 28, 1937 (50 Stat. 874), relates to the administration of the revested Oregon and California Railroad and the reconveyed Coos Bay Wagon Road grant lands in Oregon, both of which are hereinafter referred to as O. and C. lands. It provides that such portions of those lands now or hereafter under the jurisdiction of the Department of the Interior, which have heretofore or may hereafter be classified as timber lands, and powersite lands valuable for timber, shall be managed, except as provided in section 3 of the Act, for permanent forest production, and the timber thereon shall be sold, cut and removed in conformity with the principle of sustained yield for the purpose of providing a permanent source of timber supply, protecting watersheds, regulating stream flow, and contributing to the economic stability of local communities and industries, and providing recreational facilities. Nothing contained in the act shall be construed to interfere with the use and development of power sites as may be authorized by law.

(b) Section 1 of the Act authorizes the Secretary of the Interior, if he determines that such action will facilitate sustained-yield management, to subdivide the revested lands into sustained-yield forest units, the boundary lines of which shall be so established that each will provide, so far as practicable, a permanent source of raw materials for the support of dependent

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communities and local industries of the region. The boundaries of such forest units may be established only after hearings are conducted in the vicinity of such lands.

(c) Section 2 of the Act authorizes the Secretary to make cooperative agreements with other Federal or State administrative agencies or with private forest owners or operators for the coordinated management, with respect to time, rate, and method of cutting, and sustained yield, of forest units comprising parts of revested or reconveyed lands, together with lands in private ownership or under the administration of other public agencies, when by such agreements he may be aided in accomplishing the purposes of the Act.

[35 FR 9781, June 13, 1970]

Subpart 5041—Annual Productive Capacity

§ 5041.1 Determination of annual productive capacity.

The authorized officer of the Bureau of Land Management shall determine and declare the annual productive capacity of the O. and C. lands under the principle of sustained yield. The lands shall be treated as a single unit for the purpose of applying the principle of sustained yield, except that upon the establishment of one or more sustained-yield forest units in accordance with § 5043.1, each such unit shall be treated separately in the determination of its annual productive capacity and the average annual cut of timber.

[35 FR 9782, June 13, 1970]

Subpart 5042—Master Units

SOURCE: 35 FR 9782, June 13, 1970, unless otherwise noted.

§ 5042.1 Master units and appurtenant marketing areas.

As a basis for studies leading to the formulation of plans for the sustained-yield forest units and cooperative agreements authorized by the Act, and in order to facilitate administration under the Act, the authorized officer,

after the determination and declaration of the annual sustained-yield productive capacity of the O. and C. lands, will divide the entire area of the O. and C., intermingled and contiguous lands into master units, on the basis of natural groupings of such lands related to each other by physical and economic factors, and will declare an appurtenant marketing area for each such master unit.

§ 5042.2 Hearings concerning master units.

(a) In order that the Director may obtain the aid and advice of interested persons and agencies, and the public may be informed as to contemplated plans, a public hearing will be held in connection with each proposed master unit. Such hearing will be held in the vicinity of the lands involved and will be open to the attendance of all interested persons, including State and local officers and representatives of dependent industries and labor. The hearing will be conducted by a representative or representatives of the Department of the Interior.

(b) At the conclusion of the hearing, the minutes thereof, together with appropriate recommendations, shall be forwarded to the Director. The Director will thereafter take such action as he deems appropriate and due notice thereof will be given to the public.

§ 5042.3 Notice of hearings concerning master units.

(a) Before any hearing is held in connection with a master unit, notice thereof will be published, once a week for four consecutive weeks in a newspaper of general circulation in the county or counties in which the proposed master unit and the appurtenant marketing area are situated, and once in the FEDERAL REGISTER. The notice may also be published in a trade paper, if such publication is desirable.

(b) Such notice shall be approved by the Director.

Subpart 5043—Sustained-Yield Forest Units

SOURCE: 35 FR 9782, June 13, 1970, unless otherwise noted.

§ 5043.1 Establishment of units.

Sustained-yield forest units will be established by the Director within the boundaries of each master unit in such manner that each forest unit will contain sufficient forest land to furnish a sustained supply of timber to forest industries upon which a local community depends and to constitute a suitable basis for a cooperative agreement. Due consideration shall be given to establish lumbering operations for the purpose of protecting dependent communities against adverse economic effects. Each forest unit shall be established so as to promote the widest distribution of the benefits of sustained-yield management to all forest owners, operators, workers and dependent communities affected thereby.

§ 5043.2 Hearings concerning sustained-yield forest units and cooperative agreements.

Prior to the establishment of a sustained-yield forest unit, a public hearing shall be held in the vicinity of the lands involved, in accordance with section 1 of the Act. Plans for the establishment of the unit and the execution of a cooperative agreement shall be considered at such hearing. The hearing will be conducted in the same manner as hearings concerning master units, as set forth in § 5042.2. The representative or representatives of the Department of the Interior who conduct the hearing will upon its conclusion make appropriate recommendations to the Director concerning the establishment of the forest unit and the execution of the cooperative agreement, forwarding at the same time a copy of the minutes of the hearing. The Director thereafter will take such action as he deems appropriate and due notice thereof will be given to the public.

§ 5043.3 Notice of hearings concerning forest units and cooperative agreements.

The provisions of § 5042.3 relative to notice of hearings concerning a master unit shall be applicable to the hearing in connection with the establishment of a sustained-yield forest unit and the execution of a cooperative agreement.

Subpart 5044—Cooperative Sustained-Yield Agreements

SOURCE: 35 FR 9782, June 13, 1970, unless otherwise noted.

§ 5044.1 General items of agreements.

(a) The formulation and administration of cooperative agreements shall be guided by a policy of promoting the widest distribution of the benefits obtainable under sustained-yield management, and of preventing monopoly.

(b) A prerequisite to participation in the cooperative agreement covering a sustained-yield forest unit will be either (1) ownership of land therein upon which timber is growing in commercial quantities, or of cutover and other lands which have been restocked or are suitable primarily for the production of timber in commercial quantities, or (2) sufficient rights or interests in the timber within the unit to enable the holder of such rights or interests to fulfill the obligations involved in commitment to the agreement.

(c) In each cooperative agreement the parties shall agree, in consideration of the benefits conferred by such agreement, that the forest management of their lands shall be conducted in such manner as may be necessary to effectuate the purposes of the Act. Each such cooperative agreement shall provide for:

(1) The disposition of timber from the Federal land in the forest unit to cooperating parties without competitive bidding at appraised prices, in accordance with sustained-yield management plans formulated or approved by the Director;

(2) The time, rate, and method of cutting timber from any lands committed to such agreement;

(3) The terms and conditions, but not the price, upon which private cooperating parties may sell to any person timber from their lands;

(4) The terms and conditions upon which additional lands, timber, or parties may be admitted to the agreement subsequent to its original execution;

(5) The protection of the reasonable interests of other owners or operators within the unit, of workers and others affected by the execution of such cooperative agreement, and of communities

dependent upon the timber within such unit; and

(6) Such other matters as the Director shall determine are necessary or proper to achieve the objectives of the Act.

(d) The provisions of a cooperative agreement, except as therein otherwise provided, shall prevail, in the administration and disposal of O. and C. timber included in such agreement, over the regulations of the Secretary of the Interior theretofore applicable to such timber.

§ 5044.2 Qualifications for agreement.

Any individual who wishes to obtain the rights of a producer under a cooperative agreement will be required to furnish satisfactory proof, prior to the execution of the agreement, that he is a citizen of the United States, or, if a partnership or association, that each member thereof is such a citizen. A corporation which wishes to become a party to such an agreement must file a certified copy of its articles of incorporation to show that it was organized under the laws of the United States or of some State, territory, or possession thereof, as well as a statement setting forth the name, residence, citizenship, and amount of stock held by each of its stockholders, separately listing those of alien citizenship. A corporation organized outside of the State of Oregon must also file a certificate by the proper State official that it is authorized to do business within the State of Oregon. The Director, in his discretion, may require a corporate party to a cooperative agreement to furnish additional information as to the ownership of its stock and may deny participation in a cooperative agreement to a corporation, any of whose stock is owned, held, or controlled by citizens of another country.

§ 5044.3 Forms of agreement.

The standard form for cooperative agreements between the United States and owners and operators of non-Federal lands, heretofore approved by the Secretary of the Interior, will be made available through the State Director, Portland, Oregon. Changes in the form of agreement may be made by the Director, from time to time when such